1:Franken et al M, G-5 (ca. 1913-1958) 1960
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An important point is that the *sima* places a sanction on violation of the *awig-awig*. The latter regulations, which have arisen in the bosom of the *subak* itself, have to do with *subak* services and levies; they list the penalties for disregarding the generally held views on the periodicity of agricultural activities, the maintenance of which is of importance for proper irrigation rotation and effective combating of crop diseases and pestilences. Violations of *subak* regulations are reported to the *klihan subak*, who considers them and pronounces penalties at the next *subak* meeting. In the great majority of cases the disciplinary measures of the *subak* appear to be efficient enough, and the agricultural officials need be called upon to intervene only rarely. In extreme cases a dispute may be placed before the Court of Kĕrta.

The violations that occur most frequently, and the fines placed on them, are as follows. For coming to a work project late there is a fine of fifty doits; if one does not appear at all, without reason and without excusing oneself beforehand, the maximum fine is twenty-five hundred doits. When someone comes to work without the materials he is required to provide, he is penalized with a fine of two hundred fifty doits; if what he has brought is found to be insufficient or of unsatisfactory quality the fine is a hundred fifty. There is a fine of twenty-five hundred doits for stealing water.

When the period set for the payment of a fine is exceeded, the fine is doubled, and in case someone repeatedly avoids paying a fine that he has incurred, a special mark, or *sawen*, is placed on his *sawah*. In Jĕmbrana the *sawen* serves only as a confirmation that official notice has been given for payment to be made within ten days, and not, as is elsewhere the case, as an indication that the *sawah*-holder has no right to work in the fields or receive irrigation water before his debt has been redeemed. The *sawen* is not removed until a supplementary fine of two hundred fifty doits has been paid. If even the placing of a *sawen* does not lead to the desired result, resort is taken to the *gade galur* procedure, in which the right to work the *sawah* in question is sold for one harvest to a third party for the amount of the fine due. The *sawah* may then be redeemed only after a full crop year; if it is not then redeemed,

1:Franken et al M, G-5 (ca. 1913-1948)1960
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312 a new period of a year is set automatically. The *gade galur* is also
474 frequently applied in cases of landrent arrears.

627 Systematic refusal to follow the orders of the *subak* board is punished very severely. The minimum fine for this violation is twenty guilders, to be paid before the harvest period. If a delinquent perseveres in his obstinacy, his crop can be confiscated, and he can be ejected from the *subak* association and placed on the black list in all *subaks*. No such drastic measure has ever proved necessary within human memory, however.

[695] Noteworthy is the custom that if someone is accused of having violated a regulation (for example of stealing water) and there is not sufficient evidence to prove the violation, the accused is required to take the oath of purification in one of the *subak* temples. This oath is also used when a violation is discovered without there being any indication as to who is guilty. The *sawah*-holders in the vicinity of the scene of the transgression are given a certain time to discover the guilty person, and if he remains unknown are also required to take such an oath.

6

Subak Funds

312 The funds of the subak are administered by the *klihan subak*, with
474 the agricultural official concerned having a check on their administration. The funds coming into the treasury consist of fines, water-service commutation fees, entrance fees, and incidental levies.

An entrance fee is due upon the foundation of new *subaks* or the extension of the area of a *subak* by converting dry fields into irrigable land, and amounts to a maximum of ten rixdollars per hectare, or some four rixdollars per acre. The funds belonging to the *subak* are used for building and maintaining irrigation works and for religious purposes. There is also a widespread custom to divide the proceeds from fines and commutation fees among members of the *subak* once a year.

Significant sums are sometimes brought together by means of levies. The monograph on landrent referred to above mentions

1:Franken et al M, G-5 (ca. 1913-1958) 1960
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the case of the *subak* of Yeh Ĕmbang, where during the periods 1921–1928 and 1930–1931 the sums of *f* 28,335 and *f* 20,450 in cash were spent on tunnel construction by no more than 134 persons, without counting the costs of the food and materials which according to custom had to be given to the tunnel-diggers during the work. Total expenditures for tunnel construction amounted to sixty thousand guilders; the *subak* area was two hundred thirty hectares, or some five hundred seventy-five acres.

7

Subak Meetings

The *subak* meets together regularly, on a set day of the Javanese-Balinese thirty-five-day month. Aside from these meetings there are others as the occasion demands. The latter sort of meeting is held, for example, during a work project, when the workers come together after the day's task has been completed in order to receive further instructions and to take decisions. The periodical meetings are held in the *pura ulun charik* or one of the other sanctuaries of the *subak*. At them the organization of *subak* services and work projects to be undertaken are discussed; *subak* regulations are occasionally revised or new regulations are decided upon; planting dates and the proper times for coming religious ceremonies are announced; transgressors are penalized and orders of the authorities are made known. In special cases the monthly meetings may be attended by the regional agricultural official or other authorities.

8

Regulations Regarding Operation of the Sawahs

When the time has come to make a start with setting out seedlings, one of the members of the *subak* board is appointed as the pacemaker, the *pĕngĕwiwit*, that is to say 'he who begins'. *Subaks* under the guidance of the same *klihan* or located near to each other frequently appoint a joint pacemaker. The pacemaker has

1:Franken et al M, G-5 (ca. 1913-1948)1960
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312 a right to assistance from the other members of the *subak*. Only
474 one *kĕsit* is planted, however, and before the work of planting it
627 has been finished and the ceremonial regulations have been met, nothing may be planted in the other *kĕsits*, not even in others belonging to the pacemaker. The transplanting is accompanied by certain ceremonials, the costs of which are borne by the members of the *subak*.

The next day, Nyĕpi, it is not permitted to work in the *sawahs*. Violation of the prohibition is punished with a maximum of twenty-five hundred doits. Then follows a period of twenty days within which every *subak* member must complete his planting. There is a fine of five thousand doits for planting before or after the official period, and the right to possible exemption from landrent in case of a bad crop is cancelled. Persons who have aided the transgressor in violating the regulation are punished with a fine of twenty-five hundred doits. The fixing of a period within which planting has to be done is of importance with an eye to proper water control, efficient division of labour, and measures in connection with combating plant diseases and pestilences. The appointment of a pacemaker has its utility from a disciplinary point of view and makes the date when planting can be begun generally known, while the association with traditional magical, religious convictions evinced by the offering ceremonial and Nyĕpi Day is also of value in this respect.

If for no good reason a *sawah* is not farmed, a fine of twenty-five hundred doits is due, while the landrent has to be paid in full. In case the transgressor is a sharecropper he also has to reimburse the landholder for the income lost. The *subak* does not like to see fields left unplanted: that serves not only to make it more vulnerable economically, but also undermines discipline, and *sawah* plots overgrown with weeds provide a welcome home for all kinds of vermin. There are no religious duties or prohibitions with a restricting effect on the course of agricultural affairs. Offerings and temple ceremonials do not demand an excessive amount of time and are frequently charged to groups of persons in rotation. The people have found a means of adjusting expenditures for religious

1:Franken et al M, G-5 (ca. 1913-1958) 1960
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purposes to the circumstances of the times in the system of celebrating festivals according to various levels of expense: *nista*, *madya*, and *utama*, that is to say poor, average, and good.

9

Harvesting and Planting Associations and the System of Mutual Assistance

The forms within which agricultural labour is made collectively available are legion. Forms in which groups of persons seek work for wages are to be found side by side with forms with the exclusive purpose of lending mutual assistance. Sometimes there is a formal association (*sĕka*) with officers, oral regulations, and a system of fines, acting in concert in its relations with third parties; sometimes the relationship is only one of an incidental nature. A few *sĕkas* which work for pay and deserve mention are the *sĕka mĕmula*, or association for transplanting seedlings; the *sĕka manyi*, or harvest association; and the *sĕka nĕpuk*, for binding paddy into sheaves.

The pulling out (*ngabut*) and transplanting (*mĕmula*) of the seedlings is done by men. The cutting (*manyi*) is done by women, but the binding of paddy into sheaves (*nĕpuk*), each consisting of a set number of handfuls, is again work for men, since manipulating the heavy weights and cutting off the excess rice straw requires a great deal of physical strength. The wages consist either of money or of food and money; for harvesting there is also payment in kind: for every twelve handfuls of rice one is the wage for cutting. At the moment of writing the customary money wage is twenty-five cents per day; when vegetables made into a sauce are provided for the rice which the members of the *sĕka* bring with them, the wage is twenty cents a day.

Sometimes such an association is formed primarily to lend mutual assistance to its members, and works for wages only for third parties. It sometimes also happens that a person without land of his own has joined a *sĕka*, in which case when it is his turn to have the labour of the association at his disposal he transfers the right to someone else for a reimbursement in money: this custom is to be found in the district of Jĕmbrana.

2: Covarrubias R-5 (1930-1933) 1938
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621 631 648 divided the villages, often in an arbitrary way, and renamed the towns and *bandjars*, ignoring their traditional connections. The *desa* became simply any " big " village, and the *bandjar* was simply " hamlet " or " quarter of the village." What was close by was joined together, and what was separated by distance was cut off, forming the so-called Government *desas* and Government *bandjars*. There are cases of *bandjars* merged into one, and small *desas* degraded into *bandjars* or joined with other small *desas* to make a large *desa* worthy of the name, despite the fact that it might have more than one *balé agung*. These new villages exist in official documents, but not in the Balinese mind, forcing the people to make a strong distinction between the " Adat Desa " and the " Gouvermen' Desa."

LAW AND JUSTICE

627 A " bad man " does not have a chance in the strict communal Balinese system. Everyone is so dependent on the co-operation and goodwill of others that he whose conduct is not good, or who in some way fails to be in harmony with his community, becomes a boycotted undesirable.

681 In Bali moral sanctions carry greater weight than physical punishment; light faults bring automatic fines, the confiscation of property, or temporary suspension from the society; but the punishment for major offences range from the dreaded boycott from all *desa* activities to permanent exile, total banishment from the village. Since the death penalty has been abolished by the Dutch, the fearful formula of declaring a man " dead " is now the capital punishment. A man expelled from his village cannot be admitted into another community, so he becomes a total outcaste — a punishment greater than physical death to the Balinese mind. It often happens that a man who has been publicly shamed kills himself.

[762]

671 In the *adat* law of every village the line of conduct for every act of the villagers is carefully set down. In a general way, the most serious crimes are those that seriously impair the well-being of the

2: Covarrubias R-5 (1930-1933) 1938
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community and most especially acts that would weaken the village magic, such as temple vandalism, theft from the gods, arson, running amuck, and murder, some of which may be punished by the killing of the offender on the spot. Everybody has to report, armed, immediately upon the signal of alarm (the fast continuous beating of the large *kulkul*), to be ready to extinguish a fire or to stop a man that has gone temporarily insane and has run wild. In Den Pasar one afternoon the alarm call was sounded. It was the siesta hour, but instantly everybody was up and out; they grabbed sticks, spears, agricultural implements, or whatever was at hand and rushed out, some on bicycles, towards the sound of the *kulkul*. Everybody in the *bandjar* turned out and on the road we even met the old judge, our neighbour, who could hardly walk, but who tagged along brandishing a great sword. It turned out to be simply a fire that was quickly extinguished with everybody's aid. When the excitement was over, we returned home with the crowd, listening to their reminiscences of recent cases of alarm and of men who ran amuck and were killed on the spot. Desecration or theft of temple property, if at night, can also be punished with immediate death. One night in a village near Kesiman two men were caught in the act of robbing the temple. The alarm was sounded and the villagers killed the two men as they put up a fight. They showed us the weapons that were taken from the thieves.

Other serious offences are the consistent failure to perform village duties, disobedience to officials, refusal to pay fines, repeated absence from meetings, theft of village property, especially of legal village documents, adultery, incest, bestiality, rape of an immature girl, witchery, the cutting of certain trees, theft of irrigation water, or damage to another's property, like allowing cattle to trample a planted field. Crimes against the prince, or even against Brahmanas, are severely punished, but they do not affect the spiritual cleanliness of the village — one more instance of the position of the aristocracy as outsiders. An old man told us that in former times a prince might kill or mutilate a man for

2: Covarrubias R-5 (1930-1933) 1938
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Ktut, dare to tell." . . . We inquired what he dared to tell 545
and from various sources we pieced together the following story:

For many months a feud had raged between two enemy fac- 545
tions of *leyaks*, witches, the spirits of living people given to black 627
magic. This everybody knew because in Pemetjutan the *leyaks* 754
in battle were seen every night in the form of blue flames darting among the coconut trees. The villagers fell sick by the score and many died suddenly of mysterious, unexplained deaths, but the wounds that had killed them became evident if the bodies were washed with specially blessed coconut water. The leader of one faction of witches was a well-known dealer in coffee, a woman of low caste named Makatjung, famous for her strong character and her natural magic powers. Her child had suddenly died, and in her despair Makatjung refused to leave his grave; night came and she fell asleep over it. In a dream the child spoke to her and blamed for his death a princess of Djerokuta, also reputed in the neighbourhood to be a powerful witch. Mad with rage, Makatjung went to the princess and accused her of the murder of her child. The princess did not deny it, and the *leyak* war was on.

It was supposed that the tide had turned against the faction of the noblewoman, and Matakjung, to make her victory known to the public, had engaged the daring story-teller to re-enact the events in a *wayang* performance and give out the names of her enemy's allies. To add to the suspense, it was rumoured that the story-teller, the son of Badung's most famous witch-doctor, had stolen the names he was about to make public from his father's records of clients for formulas of witchcraft. Everybody had gathered to learn the names of the village's *leyaks*, whispering advance guesses, and many were in fear of being named. The show dragged on through the night and we did not stay for the outcome. The next day people were reluctant to talk about it and someone remarked indignantly that it was wicked to make public accusations in this manner. We heard no more of the feud until three years later when we assisted at the cremation of

2: Covarrubias R-5 (1930-1933) 1938
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545 627 754 the princess of Djerokuta, believed by everybody to have been killed by the superior magic of the low-caste Makatjung.

75 541 A Balinese prince well known for his eccentric intrigues once announced he was to give a demonstration of how a man became a *leyak* and invited the entire foreign population of Bali to witness the phenomena. He seemed particularly anxious to attract even the casual tourists that came to the Bali Hotel. On the appointed night not only the Government officials, tourists, and illustrious Balinese had congregated in the darkness of the cemetery, but a great rowdy crowd of Balinese who had heard the rumour had gathered, equally curious, although less skeptical of the supernatural performance than the whites. They climbed trees, tearing branches and flashing lights into each other's faces, until the infuriated prince banned all flashlights. The prince's motive came out clearly when before starting the demonstration, he asked the guests for a contribution of one guilder and twenty cents to pay for the offerings that had to be made, should the man succeed in becoming a *leyak*.

After an endless wait the crowd gasped when a greenish light became visible at one end of the graveyard. As it approached it looked more and more suspiciously like a piece of banana leaf with a light behind it. A Dutch official next to me, who had retained his flashlight, aimed it suddenly at the ghost, who disappeared behind the low mound of a convenient new grave. The undaunted prince contended indignantly that the *leyak* was frightened and would not appear again, so he did not collect the fee. Thus ended our only opportunity to make the acquaintance of a *leyak*.

754 The existence of these *leyaks* is to the Balinese an incontestable fact. They are held responsible for most of the evils that afflict Bali, including sickness and death. Like the vampire, they suck the blood of sleeping people and are particularly fond of the entrails of unborn children. Every Balinese has stories

6: Belo E-5 (1931-1934) 1935
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he is able to wait for long periods without showing impatience, and to accept with composure frustration of his plans, saying simply, "It did not happen." It may be said that the agricultural way of life, requiring suitable physical exertion, and producing in a direct way the food supply, so that there may be no anxiety about it for anyone, contributes to the mental poise of the people; also that the children are surrounded with affection, and given very early a part in the work of the family group, so that they grow up feeling beloved and useful, which gives to them as individuals a sense of security. And because the rules for orientation, posture, facial expression, speech, and so forth are so universally accepted, they soon become habitual, and are carried out automatically by the people without any conscious application, without any of the strain which they would cause to us. The immutability of all the laws of conduct relieves the individual of any responsibility except that of obeying them. He does not doubt their rightness, since they have always been so. And since they are his habits, he does not have even to think of them. Beyond this, his only cares are specific misfortunes, which may always occur, but which he considers outside his power to control. Illness, flood, and famine, these are signs of the anger of the gods and of the dominance, for the time, of the forces of evil. The religious concepts make the cause clear, and they supply, too, the remedy. Offerings must be prepared, purifications and celebrations carried out, for the propitiation of the demons and the glorification of the gods. Although it may seem to us that the Balinese lives in ever present fear of demons and of evil spirits, the strain is actually not great because the remedy is known and prescribed. Even in some cases charged with much superstitious fear, such as the birth of unlucky twins or the occurrence of certain forms of incest, when the entire village is rendered unclean, tradition takes care of the wrong by requiring temporary banishment of the offenders and elaborate purification rituals. In this way the burden of responsibility is lifted from the offenders and their fellow-villagers who are affected. Tradition tells them what to do in compensation for the wrong. When it is done, no weight of sin or guilt rests on the individual. He has in such matters, as in all other aspects of his life, no choice, no decisions to be made, only the responsibility to maintain the order which he and his society consider established and proved. To judge how suitable and how desirable is such an order,

6: Belo E-5 (1931-1934) 1935
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we can only take the evidence of Balinese behavior as it appears to us. If we see in the equilibrated, delicately adjusted, and essentially unstrained behavior of the people the clue to their happy temper, we must conclude that a static traditional culture such as theirs, solving all problems, prescribing every act, does form a desirable background against which well-balanced personalities may be reared.

64 [103 cont.]
174 on agricultural products, especially rice and coconuts, and the
651 best of these products had to be presented to him.

Soebak. Bali, a land where sawah cultivation is of the
634 greatest importance and where the inhabitants are therefore
312 greatly concerned about having a regular supply of irrigation
476 water, is also a land where a peculiar native jurisdictional community has developed, the Balinese polder, soebak. It is true that this is very closely connected with agriculture and thus could be dealt with in the chapter on "Means of Subsistence," but because of its special importance for Balinese society and because it is a special form of jurisdictional community, we will discuss it in this chapter as a more suitable place.

The soebak is formed when new land is opened up, with the aim of procuring for the owners of small holdings the advantages that large sawah holdings have (with regard to irrigation water). This form of co-operation in no way diminishes the rights of ownership of the small holders. The soebak, then, is an association of all the cultivators whose sawahs can be irrigated from one aqueduct, with the aim of building and caring for the upkeep of the aqueduct and also of regulating, through mutual consultations, the other agricultural operations. One soebak may embrace several dèsa, and in large dèsa there may be more than one soebak.

At the head of a soebak is the klian soebak, chosen by all the members who make up the sekaha soebak. He keeps a list of the members and is charged with governing sawah operations in consultation with the members. Once it has been decided
[685 when the rice is to be planted, he must see to it that this actu-
627] ally is done. He must also be on guard against water thieves. He tries to settle amicably the questions that arise among the members of the soebak.

[623] When matters warrant it, the klian calls a meeting. Usually the meetings take place on a definite day of the month (35 days), sometimes at each [104] full moon. At first these meetings are held in the open, later in the newly built soebak temple.

12: Haar S-4 (1939) 1948 OB1 Indonesia OB1
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the individual body, health and the rules of magic in life, the possession of goods, the relationship to offspring and to married couples, belong practically everywhere to the life-circle of persons, which is protected against encroachment.

B. INDONESIAN TERMINOLOGIES

The various injuries have their own names—sometimes original names, in the case of a closely related group of actions, such as all sorts of theft, although the native names for delicts are very elastic in their meanings, such as "dago dagi" (Minangkabau), meaning disobedience toward those in adat authority, and "kagau gau" (Buginese), meaning to do something bad.

The fines for delicts are established in a specific relation to the offense, which cannot be further explained; for example, three plates for an ordinary insult, three plates and a pig for a serious insult, ten plates for insulting a chief (among the Lawangan Dyaks). This is one sample of the relation between the delict and fine taken at random from thousands of others, all as inexplicable as this.

The fines for delicts frequently show their magic character in their insistence in naming the goods which are owed by the delinquent (so many buffaloes, so many slaves, for instance) and then, without objection, allowing these goods actually to be replaced by objects of small monetary value or by a sum of money.

The fines for delicts have their specific designation in various law-areas, for example: "bosi sebelas kepala tajau" (West Borneo), a pot of the value of ten heads (kepala—head, in Malay) and twelve detached heads, which is the fine not for one sort of delict but for a group of various delicts (probably equal in degree). The Toraja distinguish between offenses committed with the mouth, for which the fine is based on payment in chickens; offenses committed with the hand, for which the fine is based on the value of goats; offenses committed with the whole body, where the fine is based on payment of buffaloes. According to the seriousness of the offense, the actual fine for delict consists, for instance, of a chicken with three things in addition, or of a buffalo with five things added to it, etc. In the Balinese desa, many offenses are punished by a money fine. Thus each law-area has its specific delict and reaction pattern. It seems to be a general characteristic that in cases of theft (and other offenses against property) the fine consists of a payment of twice or several times the value of the stolen property.